

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 15-32 are currently being cancelled and Claims 33-46 are new claims.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 33-46 are now pending in this application.

The Examiner rejected claims 15-32 under 35 U.S.C. § 103(a) as being unpatentable over Lombardo et al. in view of Webb and Fargano. Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lombardo et al. in view of (Webb and Fargano) as applied to Claim 1 and further in view of Hesse et al.

Lombardo teaches a card game where three cards are dealt out by the dealer to each of the players and to the dealer. "Each player picks up and assesses his or her three cards 18, 20, 22 and selects one of the three cards 18, 20, 22 as his or her sting card and places the selected sting card face down in front of him or herself... In addition, each player decides whether he or she will play the remaining two cards 18, 22 against the dealer's two card hand." (col. 3, lines 13-30). Lombardo therefore teaches a card game where three cards are dealt but the player chooses from these three cards the two cards he or she will play against the dealer's selected two card hand. Lombardo, however, does not teach a wagering game where only two cards are dealt to each player and to the dealer and the dealer and each player only play those sets of two cards. Lombardo does not teach a two card wagering game where no "sting" card is used. The use of a "sting" card in Lombardo presents a different set of odds than present in this application. In Lombardo, the player has the option of making two separate wagers on one hand where "active players have the option to invest the entire future of the deal selectively in a single comparison by employing his or her sting card 20, or in a combination of two comparisons, one being the

sting card 20 and the other being the remaining two cards 18, 22.” (col. 3, lines 41-45). Therefore, in Lombardo, the player not only has different odds by selecting the two cards he or she will play from the three cards dealt, but also the player can play that remaining third card as a “sting” card. Giving the player the option of playing that third remaining card as a “sting” card makes Lombardo at least a three card game and not a two card game as present in this application. Therefore, Lombardo, Lombardo in view of Webb, or Lombardo in view of Webb and Fargano does not teach a two card wagering game where no “sting” card is used.

The present application has the advantage of being a two card wagering game wherein the player only places wagers on the two cards dealt to the player. The present application also has the advantage of being a two card wagering game wherein multiple rounds may be played before shuffling the deck.

The use of multiple rounds before shuffling in a two card wagering poker game affects the odds of the player. By viewing what cards have been dealt in the previous rounds, the player has the opportunity to try to determine the rank of the cards left in the deck. While Fargano discloses the use of multiple rounds in a baccarat type of game where no cards are dealt to individual players but rather are dealt like community cards, Fargano does not teach the use of multiple rounds in a poker type of wagering game wherein cards are dealt to individual players. The use of multiple rounds before shuffling in the present application is not meant to simply save time but rather to change the odds of the wagering game for the players. Therefore, neither Lombardo, nor Lombardo in view of Fargano, teaches a two card poker wagering game where multiple rounds are played before shuffling the deck.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17.

Respectfully submitted,

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By: 

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